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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHANG, SUNRAY

ART UNIT

PAPER NUMBER

2121

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,809	Applicant(s) FLEISCHER ET AL.	
	Examiner Sunray R. Chang	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-56 is/are pending in the application.
- 4a) Of the above claim(s) 1-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Examiner's Detailed Office Action

1. This Office Action is responsive to communication, filed on June 4th, 2009.

Claims 42 – 56 are submitted for examination;

Claims 1 – 41 have been cancelled;

Response to Arguments

Claim Objection

2. The objection to claim 31 is withdrawn responsive to the cancellation of the claim; however, new claim 50 claims similar with cancelled claim 31 still fail to further limit the independent claim.

Claim Rejections - 35 USC § 112

3. The forth 112 rejection to claim 30 has been withdrawn responsive to the cancellation to the claim.

Election/Restrictions

4. Applicants elect the invention “I”, claims 22 – 35 and 38 – 41 without traverse, further cancel all forth claims 22 – 41; new claims 42 – 56 corresponding to invention “I” have been submitted for further examinations.

Claim Rejections - 35 USC § 102

5. Forth 102 rejections to the respective claims 22 – 26, 28 – 31 and 38 – 41, further 102 rejections to non-elected claims 36 and 37, have been withdrawn, responsive to the cancellation of the claims.

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Claim Rejections - 35 USC § 103

6. Forth 103 rejection to claim 35 has been withdrawn responsive to the cancellation of the claim. New claims 42 – 56 are newly submitted similar with claim 35 have been rejected in current office action.

7. Regarding the term, “quality data”, which can also be found in **Reihl** reference as indicated in current office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. **Claim(s) 42, 53, 55 and 56 is/are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Reihl** reference and in view of Ruth Frank (U.S. P.G. Pub. No. 2002/0179484, and referred to as **Frank** hereinafter) and further in view of Uwe Hansmann et al. (U.S. P.G. Pub. No. 2001/0024157, and referred to as **Hansmann** hereinafter).

Reihl teaches,

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- A method for controlling material flow in production of a product comprised of a plurality of individual parts or part aggregates, [assure the correct delivery of consumables in printer and copier devices in order to be able to process consumables of different types in the devices, col. 2, lines 28 – 31] comprising the steps of:
- producing said individual parts or part aggregates at a supplier production site; [After the end of the filling procedure, the necessary, variable data such as type of toner and toner fill quantity are transmitted into the variable memory areas of the transponder 13 as well as into the data bank, col. 7, lines 45 – 48]
- recording production and delivery data regarding the individual parts or part aggregates, [containers are delivered with a transport vehicle and are pre-selected in a position with the data of the transponder, col. 7, lines 3 – 10] and in addition to said production and delivery data also recording quality data regarding the individual parts or part aggregates; [toner expiration dates for the consumables are identified and noted, Abstract] storing said production and delivery data and said quality data in a transponder associated with each individual part or individual part aggregate; [the containers can continue to comprise labels readable in clear text that contain the respective identifier of the transponder integrated in the container and also contain data about the container content as well as the filling date, expiration date, name of the filler, owner of the container, intended place of employment (customer), etc., col. 14, lines 33 – 47]
- delivering said individual parts or part aggregates to a goods receipt of a logistic system; [9, 11 fig. 2; sum of those data that are transmitted via the write station 11 into the transponder 13 are simultaneously entered into a data bank 9 within the filling station 3, col. 7, lines 24 –

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28; the cleaned and tested containers are intermediately stored in a warehouse, col. 7, lines 13 – 15],

- reading said production and delivery data from the transponder at said goods receipt and using the data for controlling further material flow such that the individual parts or part aggregates are transported in a controlled manner to predetermined, subsequent process stations at an assembly production site; [After cleaning, the containers 2--in a position 2/5-- pass through a testing station 6 at which they are checked for mechanical damage as well as for leaks. The leak test occurs with a compressed air unit. Subsequently, the cleaned and tested containers 2 are intermediately stored in a warehouse 7 (2/6). Containers that are to be filled with toner are supplied directly to the filling station 3; containers that are to be re-employed as waste disposal containers are supplied directly to the transport vehicle 10 that outputs the containers in the direction to the printing center. For distinguishing between toner supply containers and waste disposal containers, these are correspondingly identified as toner or waste supply containers in the transponder, col. 7, lines 11 – 23]
- reading and checking said quality data at a quality check station of said assembly production site; [a check is then carried out to see whether the toner recipe is acceptable and, potentially, the developer station is enabled for printing, col. 12, lines 2 – 4]

Reihl further teaches a production site [respective printing location, Abstract]

Reihl does not teach taking in parts by an operator and storing them in a storage until they are required; detecting a removal of an individual part from the storage or with a transponder reader; triggering a payment obligation for the operator upon removal of the individual part from the storage;

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Frank teaches,

- taking in the individual parts by a production site operator and storing them in a production site storage until they are required for production; [a patient or resident is thus able to associate the identifying feature or label design with the actual personal item which should be placed in a given compartment or storage feature, component or device, [0034]] and
- detecting a removal of an individual part from the production site storage or its assembly in an aggregate of the product with a transponder reader [transmits a missing item condition signal] to a central receiving station or computer the presence or absence of items in each compartment. Additional controls can also be added to vary the type and detection timing of individual personal item sensing units. Sensing units can also consist of passive transponders attached to each personal item stored on the tray, [0043]] for the purpose of identification, placement, retention, storage, removal and/or accounting of personal items belonging to individuals, such as patients, [0001]]

Hansmann has been further cited for teaching triggering a payment obligation [the device includes the contactless reader for reading information stored in the contactless label chipcard, and a component for generating an invoice based on the information received from the contactless label chipcard, Abstract] for accomplishing an easy check-out with enhanced security [0002].

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of **Reihl** to include "taking in parts by an operator and storing them in a storage until they are required; detecting a removal of an individual part from the storage or with a transponder reader; triggering a payment obligation for the operator

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upon removal of the individual part from the storage”, for the purpose of identification, placement, retention, storage, removal and/or accounting of personal items belonging to individuals, such as patients, [**Frank**, 0001]] and for accomplishing an easy check-out with enhanced security [**Hansmann**, 0002].

Regarding **claim(s) 43**, **Reihl** teaches the method according to claim 22 wherein

- at least one group of the individual parts is a mass production article that is delivered at the goods receipt in a quantity of more than five in a container, [7, fig. 2] and wherein the container comprises
- the transponder in which is stored a common quality score regarding the group of mass production articles of the container. [Containers that are to be filled with toner are supplied directly to the filling station 3; containers that are to be re-employed as waste disposal containers are supplied directly to the transport vehicle 10 that outputs the containers in the direction to the printing center, col. 7, lines 16 – 20]

Regarding **claim(s) 44**, **Reihl** teaches the method according to claim 24 wherein

- information about a quantity of the plurality of the articles located in the container is additionally stored in the transponder. [... these are correspondingly identified as toner or waste supply containers in the transponder, col. 7, lines 16 – 22; the examiner explains, quantity can be simply “to be filled” or “re-employed” as disclosed by **Reihl** reference]

Regarding **claim(s) 45**, **Reihl** teaches the method according to claim 22 wherein

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- at least one of reading **or** writing of data at the transponder occurs with a mobile computer [an antenna via which a wireless data transfer to a read station 65 can occur, col. 11, lines 6 – 11; 26a, microcontroller, fig. 8; since the “mobile computer” does not have further limitations for the “mobile computer”, **Reihl** reference teaches a read station which can be used for wirelessly reading or writing data with the transponder] that comprises
- a first interface for wireless communication with the transponder and a second interface for communication with a computer network. [an antenna via which a wireless data transfer to a read station 65 can occur. The read station 65 can be optionally secured to the developer station 14 or to the printer housing and is connected to the process control arrangement 40 via a cable connection (for example, CAN bus), col. 11, lines 6 – 11]

Regarding **claim(s) 47**, **Reihl** teaches the method according to claim 22 wherein

- at least one individual part is **housed** in a package and the transponder is attached on the package. [13, 2/1, fig. 1; the examiner further explains, one individual part of a housing can be item “2/1” and item “13” is the transponder which is attached on the package]

Regarding **claim(s) 48**, **Reihl** teaches the method according to claim 22 wherein

- an aggregate-related transponder is added to an aggregate, and data about the aggregate are stored in the transponder. [... display static information ... the type of consumable ... updating of the quantity of consumable contained in the container are suitable as information carrier rigidly connected to the container ... in particular, transponders are also suitable for this purpose, col. 3, lines 53 – 65; the container can be an “aggregate”]

Regarding **claim(s) 49, Reihl** teaches the method according to claim 22 wherein

- the input is recorded at the goods receipt by means of the transponder data. [data stored in the transponder can be supplied to other system components such as a filling station, a central computer with a data bank, and the printer or copier devices, Abstract; 9, 11 fig. 2; sum of those data that are transmitted via the write station 11 into the transponder 13 are simultaneously entered into a data bank 9 within the filling station 3, col. 7, lines 24 – 28]

Regarding **claim(s) 50, Reihl** teaches the method according to claim 22 wherein

- the data belonging to an individual part and stored on its associated transponder, are stored on a transponder located on a finished, assembled product. [Table one in col. 15 – col. 16; the examiner further explains, having “←” between “data at/in Printer” and “Data at the Container” is the data belonging to an individual part and stored on a assembled product]

Regarding **claim(s) 51, Reihl** teaches the method according to claim 22 wherein

- additional data regarding at least one of the recycling or the disposal are stored in a transponder associated with an individual part, an aggregate part, **or** an aggregate. [distinguishing between toner supply containers and waste disposal containers, these are correspondingly identified as toner or waste supply containers in the transponder, col. 7, lines 20 – 23]

Regarding **claim(s) 52, Reihl** teaches the method according to claim 22 wherein

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- the data are at least one of recorded, stored or generated in a computer program [the toner type, the color thereof as well as the filling level of the container are, for example, binarily encoded in the memory (EEPROM) of the toner supply container and are thus stored in machine-readable form, col. 11, lines 16 – 20] and
- at least one of the material flow **or** production process are controlled by a computer. [The filling procedure is controlled by a filling computer (microprocessor 52) that is connected via a suitable data line or, respectively, via a network connection to a central computer 51 that contains the data bank 9, col. 14, lines 8 – 12; assure the correct delivery of consumables in printer and copier devices in order to be able to process consumables of different types in the devices, col. 2, lines 28 – 31]

Regarding **claim(s) 54**,

Reihl teaches the method for controlling material flow according to claim 22 wherein

- for monitoring of quality of the product further quality data are stored in the transponder at quality check stations for at least one of the individual parts, for aggregates, or for aggregate parts that are comprised of a plurality of individual parts. [identification data stored in the PROM area of the transponder 13 and/or the encoded key data are read out and potentially checked for correctness on the basis of earlier data container in the data bank. The variable data stored in the EEPROM area of the transponder are also checked and updated, col. 7, lines 36 – 40]

Frank teaches,

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- taking in the individual parts by a production site operator and storing them in a production site storage until they are required for production; [a patient or resident is thus able to associate the identifying feature or label design with the actual personal item which should be placed in a given compartment or storage feature, component or device, [0034]] for the purpose of identification, placement, retention, storage, removal and/or accounting of personal items belonging to individuals, such as patients, [0001]]

9. **Claim(s) 46 is/are rejected** under 35 U.S.C. 103(a) as being unpatentable over **Reihl** reference.

Reihl teaches the method according to claim 26 wherein

- a communication occurs via the computer network interface. [a data network, for example via a local area network LAN, via a wide area network WAN or via an Internet connection, col. 14, lines 16 – 20]

Reihl reference does not teach, the network is wirelessly connected;

However, it is well known in the art that “wireless” is a cable replacement connection, since there is a network disclosed by **Reihl** reference, it is well known can be replaced by a wireless connection.

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Conclusion

10. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Correspondence Information

11. Any inquires concerning this communication or earlier communications from the examiner should be directed to Sunray Chang, who may be reached Monday through Friday, between 6:00 a.m. and 3:00 p.m. EST. or via telephone at (571) 272-3682 or facsimile transmission (571) 273-3682 or email sunray.chang@uspto.gov.

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful in the regular office hour, the Examiner's Supervisor, Albert Decady, may be reached at (571) 272-3819.

Sunray Chang

Art Unit 2121

U.S. Patent & Trademark Office

/Albert DeCady/

Supervisory Patent Examiner, Art Unit 2121

August 19, 2009
